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the GAVEL

VOLUME IX No. 6

CLEVELAND - MARSHALL LAW SCHOOL - CLEVELAND, OHIO

MARCH 1961

Wives Sponsor Spring Dance



Dance Chairman, Jean Spira (center) gives a few tips on poster painting to Joan Cannon, Ticket Chairman (left) and Florence Tolt, Reservation Chairman (right).

Editor to go to Wisconsin

John E. Martindale, President of the Student Congress and Editor of the Cleveland-Marshall Law Review will represent Cleveland-Marshall at the Annual National Convention of Law School Law Review Editors at the University of Wisconsin in Madison, Wisconsin on April 7 and 8.

The University of Wisconsin will be host to representatives from approximately sixty law schools throughout the country. Work groups, panel discussions and guest speakers are scheduled for the two day conference. The representatives will hold round-table discussions and will exchange ideas on all phases of law review work including such things as sources of articles, composition, financing, make-up, and selection of personnel. The conference will be exclusively student managed.

Cleveland-Marshall will be one of two Evening law schools represented. In addition to this rather unique position, Cleveland-Marshall will be one of the few schools represented that has a student-run law review and is one of the very few schools where students write lead articles. Martindale intends to stress the feasibility of increased student participation in law review work.

83 new cut-off

CLEVELAND-MARSHALL (March 6)-The Faculty announced here today that the comprehensive examinations will not be mandatory for Seniors with an average of 83% and over. This policy applies only to the 1961 Senior Class.

The second annual Law Wives Club Spring Dance will be held Saturday evening, April 15, from 8:30 PM until 1:00 AM in the ballroom of the Lakeshore Country Club.

Hal Lynn's orchestra, a group that was very well received at the Spring Dance last year, will again provide the music.

A buffet will be served continuously throughout the evening. Mixed drinks can be purchased at the club. However, it is permissible to bring a bottle. Set-ups, soft drinks, pretzels, and potato chips will be available. Many different door prizes will be awarded.

Tables are being set up surrounding the dance floor. Reservations can be made in advance for tables seating up to five couples.

Reservations are \$7.50 per couple and may be made by contacting Joan Cannon, Ticket Chairman at RE-4-0090 or Florence Tolt, Reservations Chairman at CL-1-6199. Members of the Dance Committee will be at the school the week before the dance and will sell tickets at that time in the student lounge.

The Lakeshore Country Club is located just north of Lakeshore Blvd. at Eddy Road.

The dance will be informal. Formal attire, however, will be left to individual taste. The prevailing view concerning the women's gowns seems to be the cocktail dress. There will be no favors. Corsages for the ladies have, again, been left to individual preference.

The Law Wives Club cordially invites faculty, students, alumni and their friends to attend this Spring Dance which they hope will be another in the fine tradition of Law Wives Club events.

Officers Elected

Senior Class Officers elected this month are: Walter Wagner, President; Paul S. Sanislo, Vice-President; Donald F. Harrington, Treasurer; and Esther Weissman, Secretary.

Sour Grapes

GAVEL 1, 1-5: A certain law school enrolled a group of students and having agreed with them on a certain curriculum which included a comprehensive examination at the end of the four year term, decided in the fourth year to excuse from this examination those students whose averages for the four years exceeded 83%. And on hearing this, those students who had not received the exemption, began to murmur against the law school saying, "this isn't fair or democratic, we are being cheated, we deserve equal treatment." And the law school upon hearing of their discontent was somewhat grieved. And answering one of them, said, "Friend, I do thee no injustice; didst thou not agree to take the comprehensive examination four years ago. Take what is thine and be satisfied. Have I not a right to do what I choose? Or, art thou envious because I am generous?"

bacon 'n eggs

Never again let us hear that money is the ruling force in the teaching profession. Never again let us be burdened by the bromides of the sophisticated who tag teaching as "just another job." The bacon and egg breakfast at Little Ted's Restaurant several Sundays ago, given by Professor Ellis V. Ripper and followed by a three hour review for all members of the Sophomore Class in preparation for the Wills final, is one of the most unselfish examples of the true nobility of the profession.

We ask to be counted with the Sophomore Class in paying tribute to a man — to a teacher, whose primary concern and loyalty is to his students.

equal time

The recently published 1961-62 Catalogue contains a scant three-line description of the GAVEL. We think they deserve equal coverage, so: "The Catalogue, published by Cleveland-Marshall Law School, contains many interesting items about the school."

The Boondoggle

We are informed by a committee formed by the Student Congress to investigate the air conditioning, or lack of air conditioning in the class rooms, that what most of the students have suspected all along is true; that the so-called air conditioning is not an air conditioner, but at best a cold air additive. The result being that with the installation of the present equipment the previously warm, smoke-filled class rooms are now cooler, smoke-filled classrooms.

It seems, according to the committee's report which is backed up, we understand, by the latest and best scientific minds, that in order to condition air properly the unit must draw out the "used" air as well as replenish with fresh air, which results in the air being circulated. These present units do not do this.

We understand that during the summer months the offices on the second floor are to be renovated. We hope that the Administration will consider this report and at that time attempt to have this condition corrected.

Anniversary

With the publication of the present issue, the GAVEL has been published in its present printed form for one year. We take this occasion to thank those who have made this possible.

We have attempted during this past year to live up to the purpose and principles by which the GAVEL was created.

As we see it, a student publication can be one of two things. It can be a house organ that categorically and obsequiously praises anything and everything about dear old Siwash. Or it can be a newspaper that fairly and objectively treats subjects that will be interesting and informative to the student body.

We are fortunate at Cleveland-Marshall. There are few sacred cows here. This freedom has made it possible for us to maintain journalistic honesty.

Thus, on this our first anniversary, we renew our pledge of "white" journalism and we shall continue to strive to make the GAVEL interesting and enjoyable, and a service to our readers.

Letters to the Editor

EDITOR:

Some concern has been expressed by members of the Senior Class about the rule recently adopted by the faculty exempting some of the seniors from taking the comprehensive examination. The exemption is based on the scholastic attainments of the members of the class during their stay at the school.

The faculty is indeed gratified that so many members of the class have had such a splendid record as to be eligible for the exemption. But such fact does not depreciate the scholastic ability of the other members of the class. As usual, the comprehensive examination will be an excellent test, as it has always been, to help the students in their preparation for the bar examination.

Certainly there is no implication and none was intended that those not excused from the examination would meet any disadvantage whatever by reason of the new procedure not affecting them. There is positively no reason to be concerned in any way.

Lee E. Skeel
President, Cleveland-
Marshall Law School

EDITOR:

At its last meeting, the Student Congress decided to abandon the Directory for this year, but pointedly emphasized that this should not be considered as precedent. A committee, complete with chairman, has been appointed to assure early publication next fall.

(continued on Page Three)

THE GAVEL

Published monthly by and for the Students of Cleveland-Marshall Law School, 1240 Ontario Avenue, Cleveland, Ohio.

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Faculty Advisor Professor William Samore

Aid or Raid?

by Leonard F. Lybarger

The steadfast and vehement opposition of the Catholic Church to President Kennedy's proposed plan for federal aid to education has evoked considerable speculation as to the true reasons for the Church's disagreement. The substance of Cardinal Spellman's recent pronouncement is that unless aid is extended to Catholic parochial school children, the Church will oppose aid to all children.

Such an argument by its nature says nothing as to the need or soundness of the proposition as a whole. On the contrary, it assumes the appearance of an angry child who, by reason of parental law, is denied candy when given to its brothers and sisters, and threatens to prevent the others from having it. Obedience to the parental law, however, is necessary for the well-being of all. When the Constitution is substituted for the parental law, the analogy can be seen.

Why, then, has the Church suddenly pitted itself against the first Catholic President's primary legislation and in such a petulant manner?

From the unequivocal stand the Church has taken it is evident that it considers its inclusion in the President's proposal vitally necessary. Furthermore, mere "unfairness" or "discrimination" would hardly create such an uproar.

Behind the Church's frontal attack lies the necessary inference that the economic status of its parochial schools and their ability to compete with the public schools will seriously be jeopardized, if not inhibited, should the federal government contribute capital to the Nation's public schools.

If the future of parochial education is really at stake, as apparently it is, another and more fundamental issue arises. That is, should the government assume the obligation of supporting any organization whose policies do not necessarily coincide with the beliefs of a majority of the people?

Financial aid for the purpose of constructing parochial schools wherein a particular religious environment is nurtured is "support."

It is the writer's considered opinion that such a program would not only be ill-advised,

in the light of the history of this democracy, but clearly unconstitutional in the case of public funds given, either directly or indirectly, to a religious institution.

LETTERS . . .

(Continued from Page Two)

The Student Congress members have considered both the advantages and disadvantages of publishing a directory this year, and, after due consideration, felt that the proper action would be to abandon the project for this year only.

There are several advantages to having a directory, but most of them have already been lost for this year. It is now too late to get the students on the mailing lists for The Student Lawyer and other publications.

The estimated cost was \$100. The body did not think it would be worth so much of the students' money to be able to know each others' phone numbers for the remaining two months of school.

The next Directory will most likely be published in September.

Dick Burgess
(Class Representative
Sophomore Section B)

EDITOR:

To Professor Ellis V. Rippner,

The members of the Sophomore Class who were enrolled in your recent Wills class wish to extend their thanks and gratitude to you for a fine course. We are indeed proud to say that instruction in such an important and practical subject was given by one of the leading Ohio men in the practice of probate law.

The added treat of being your guests at a breakfast and for a review session is especially appreciated. The unselfish giving of your valuable time is not taken lightly by us. We can only repay your consideration and concern by extending our appreciation and by our performance in the future as members of the legal profession.

Sincerely,
The Sophomore Class
per: Class Representatives
Julian Allen
James Johnstone
Eileen Kelley
Richard Burgess

Student Congress



Freshman Representative, Szentmiklosy introduces legislation to Congress.

The new Student Congress, in its second month and at its second meeting, gave every indication that this should be an extremely fruitful year for student government and student activities at Cleveland-Marshall.

The first business on the agenda at the March meeting concerned the air conditioning. Julian Allen, chairman of a committee formed to investigate

(Continued on Page Six)

EDITOR:

In view of the recent discussions concerning the relative merits of comprehensive examinations as given by this school, I take the opportunity to express my feelings on the subject.

I think that the comprehensive exams can be of great value to the individual student in determining if he is properly prepared to take the bar examination.

I do not, however, think that any student should be denied the opportunity to take the bar examination because of a low rating on the comprehensive exam. If a student has successfully completed the prescribed curriculum for his degree, I think that it should be entirely his decision as to whether or not he takes the bar examination.

One of the most important factors affecting the student when making this decision should be, of course, the results he obtained on the comprehensive examination.

Penfield W. Tate
(Sophomore Section B)

one thing and another...

by Leonard F. Lybarger

The decision of the Student Congress to dispense with the publication of the Student Directory and with publication of student identification cards is an example of a lackadaisical attitude Cleveland-Marshall could well do without.

It is not that these services are vitally necessary or that they materially contribute to the operation or well being of either the student or the school. However, because Cleveland-Marshall is one of the largest law schools in the Country, it would seem that these customary aids would not be discontinued without considerable hesitation.

The directory, with its informative data, is an effective means of maintaining a student body in which all of the students know each other. The identification cards, while never necessary to gain admission to the school, were at one time helpful in policing the library and have in the past brought discounts at various down-town and neighbor-

hood motion picture theaters.

Although we have been advised by a Student Council Representative in this issue by a letter to the Editor that the directory was being dispensed with, it seems that the students certainly deserve an explanation as to why the allotted portion of their Student Activities fee was not spent for these accommodations.

It has been suggested that the Annual Open House, in past years, has not been entirely "open."

It appears ironical that the library in which we take great pride and advertise as being one of the best of its kind, is not open during the Open House.

"Open House" is defined by Webster as "a time when an institution is open to visitors."

Perhaps those responsible for next year's Open House at Cleveland-Marshall will keep this in mind in order that our guests might be treated to something that fairly well resembles a law school.

LEXICON

by Pete Roper

Favorite expressions often are used by people who are not quite certain exactly what they mean. Here are a few examples:

Beyond the pale — "paling" is a fence of stakes or pickets. To be within the pale originally was meant to mean any territory within the protection of the Church or of some kingdom that enjoyed certain privileges. Later, it was the country immediately surrounding Dublin within which the English held sway before falling to Cromwell and was called "the pale" or "the English pale."

Exception proves the rule — of course, it does no such thing, in the present meaning of the word "prove." However, "prove" once had the meaning of "to test," and even now it is sometimes used in that sense, as in "Aberdeen Proving Grounds." What we are really trying to say is that the very admission that something is exceptional by inference admits that there exists a rule to which there is an exception. This, says Bergen Evans, shows that the rule cannot be universal and must be accepted as an approximation at best.

Take a parting shot — the origin is somewhat obscure to most of us. It comes from the custom of the soldiers of Parthia, in Western Asia, of shooting backwards from their horses as they ran away. The expression is now considered a cliché, to be avoided.

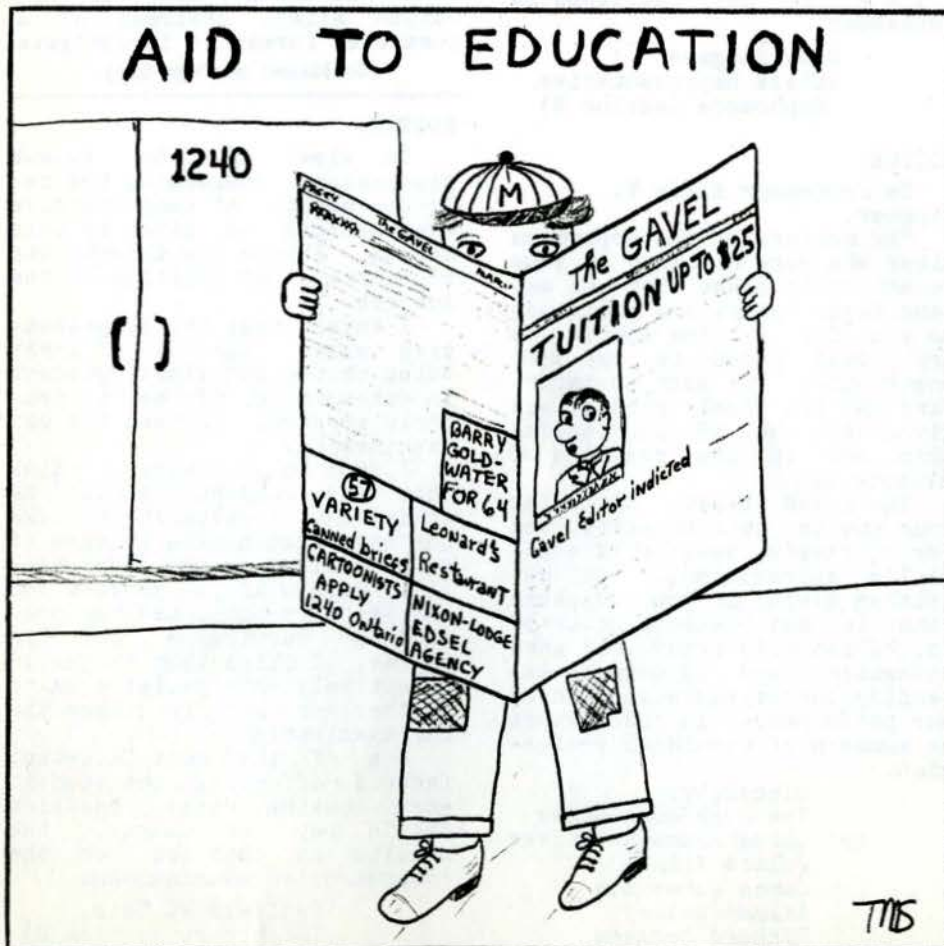
Collusion — Don't confuse this one with "collaboration." "Collusion" is a secret agreement for fraudulent purpose, while "collaboration" has to do with good and proper ends. "Connivance" implies knowledge of wrongdoing, without taking an active part in it. "To connive" comes from the Latin, meaning "to shut the eyes."

Senior Pictures

Pictures of the individual members of the Senior Class will be taken on April 3 and 5, from 5:00 to 8:30 PM.

The cost, payable in advance, will be \$4.50. Seniors are requested to report to the last room in the library for posing. Pictures will be taken in street clothes and not in cap and gown.

Those unable to be present on either date are requested to make arrangements with Walt Wagner for a different schedule.



Wives Club



Wives Club Telephone Committee at work selling bids for the Spring Dance. Marilyn Collins (left), Eileen Anfang (center), and Agnes Kermode (right) team up to make a sale.

by Mary Ann Hisnay

The March meeting of the Cleveland-Marshall Law Wives Club was very interesting and entertaining. Mrs. William G. Laffer, guest speaker, held the attention of the Law Wives as she spoke of the arduous daily routine a grand jury foreman must follow. Her explanation of the organization, work, and decisions of a grand jury was both earnest and witty. In Mrs. Laffer's words, "Being foreman of a grand jury is fascinating and exhaustive!"

There will be no April meeting.

With members spending much of their spare time actively working for the success of the April 15th Spring Dance, the decision was made to cancel the April meeting and concentrate all efforts toward the dance.

Dance plans are progressing smoothly and efficiently. Members of the Dance Committee and the Telephone Committee are organizing, arranging, and calling with zealous fervor and enthusiasm. All Law Wives should "back" wholeheartedly this annual affair of the club. Besides, it's Spring! After a year of studies and houses abounding with an assortment of head - colds, measles, flu, chicken pox, perhaps a new "blessing," and miscellaneous "Quick Draw McGraw," cowboy, Tarzan, and spacemen conversations, both Law Wives and husbands need a change of scene from school and the home!

"Come, fill the cup, and in the fire of Spring your winter-garment of repentance fling." Maybe you can't escape "underneath the bough, with a jug of wine, a loaf of bread — and thou beside me singing in the wilderness . . ." But, you can bring a bottle of your own choosing, enjoy a copious, delicious, continuous buffet supper, and dance to your heart's content! No wilderness, perhaps, but our Spring Dance might be a "paradise enow!" Attend with old friends — or come and have the pleasure of meeting new friends.

Dates to remember: April 15, Annual Spring Dance, Lakeshore Country Club. May 14, regular monthly meeting, Professor Howard Oleck, guest speaker.

Fraternity News

by Thomas J. Scanlon

The Fraternity had the pleasure of having Mr. George S. Maxwell, prominent Cleveland labor attorney, speak at the last social meeting. Mr. Maxwell's talk covered some of the sanctions of the National Labor Relations Board. Of primary interest to the members were his illustrations of how companies and unions negotiate labor con-

tracts, and what part the National Labor Relations Board can play in making agreements of this nature. Mr. Maxwell's numerous examples and specific cases were very informative. He also illustrated how difficult it was to predict the outcome of cases pending before the Board. Throughout his talk, Mr. Maxwell freely answered many questions regarding labor law. The Fraternity wishes to thank Mr. Maxwell for an interesting and informative evening.

Our next social meeting is scheduled for Friday, April 7. This meeting will be open to all students. Mr. Andy Putka, superintendent in charge of Ohio's Savings and Loan Associations, will address the group. We urge all our fellow students to attend this meeting. The meeting will be of special interest to students who wish to join the Fraternity and should be illustrative of the type of meeting the Fraternity has throughout the year.

We wish to call attention to the article in the March issue of The Paper Book, wherein, Brother William F. Mackay, a graduate of Cleveland Law School, traces the origin of the Fraternity. We point with pride to the fact that our senate was the original founder of the Delta Theta Phi National Law Fraternity.

The Fraternity urges all of the members and fellow students to attend the Law Wives Annual Spring Dance on April 15.



Over one hundred members of the Sophomore Class were the guests of Professor Ellis V. Rippner for a bacon and egg breakfast at Little Ted's Restaurant on Sunday morning, March 12. The breakfast was followed by a three-hour review in preparation for the final examination in Wills.

moot court adjourns

According to Professor Smith, the faculty moderator of the Moot Court, the twenty-four students who participated in this year's moot court, "did much better at the appellate level than most practicing attorneys."

Each participant was awarded two credit hours. The grade was computed by averaging a grade for the written brief, which was the same for both members of a team, with a grade for the oral presentation, which was awarded on the individual presentation.

Professor Smith hopes that in the future the Moot Court can be made a part of the Sophomore curriculum so that the participants, by the time they reach their Junior year, would be ready for national competition.

STUDENT CONGRESS . . . (Continued from Page Three)

the capacity of the present equipment, reported that the difficulty with the present equipment was a lack of exhaust and circulation. A letter explaining the findings was drafted and sent to the Administration.

Freshmen representatives, DeEgidio and Szentmiklosy, commented on the "excessive" case load in the Freshman year. However, no corrective legislation was introduced.

By a very close vote it was decided by the Congress that no Student Directory would be published this year. Sophomore Representatives, Allen and Johnstone recommended publication. However, the majority felt that it was too late in the year and that at this time most of the benefits of a directory had been lost.

Professor Samore announced that in the future, except in unusual circumstances, the results of final examinations would be available within three weeks after the test.

ALSA Meeting

Adam Angelas, Junior Class Representative and Leo DeEgidio, Freshman Class representative to the Student Congress will represent Cleveland-Marshall at the annual regional meeting of the American Law Student's Association in Cincinnati on April 8 and 9.

Delegates from law schools in this area will assemble for a two day session to discuss Student Congress activities and to exchange views on student government.

The A.L.S.A. will hold its annual national meeting in St. Louis Missouri in August.

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